

MINUTES
REGULAR MEETING
CITY COUNCIL

November 7, 2022

Ronnie Thompson, Mayor

Sally W. Sandy, City Manager
Louis E. Vinay, Jr., City Attorney

Wendy Cato)
Christopher Hawkins) Council
Chris Jernigan)
Butch McSwain)

Interpreters
Tiffany Patterson
Danette Steelman-Bridges

- I. Call to Order - The Mayor called the regular meeting to order in the Council Chambers at City Hall at 6:00 p.m.
- II. Public Comment – The Mayor stated the guidelines for public comment and said speakers were to be called in order of sign-up for those who appeared in person; however, due to COVID-19 the Council was still accepting public comments via email, U.S. mail or hand-delivered letters. No other comments via email, U.S. mail or hand-delivered letters were received.

The following persons requested to be added for Public Comment and were called by Mayor Thompson to come to the podium for comment:

- Bryan Clark – Resides at 241 ½ N. Anderson Street, Morganton, NC – Mr. Clark stated that he is affiliated with the business located at 105 W. Concord Street. For the past six months, he has had several highly concerning incidents. His daughter was personally approached by a homeless individual and a gym member experienced an exposure by a homeless person as he/she were out running – these are only two examples. He feels that the food boxes are baiting people in and bringing homeless people to the areas where families and businesses are located. He stated that there is a need to have alternative things to offer. He asked the Council to come up with new ideas to address this issue.
- Eric Clark – Resides at 241 ½ N. Anderson Street, Morganton, NC and is affiliated with the business located at 105 W. Concord Street, Morganton, NC – Mr. Clark stated he wanted to back up what his brother, Bryan Clark, said previously. He also feels we need to help, but not to keep giving so that you take away a person’s ability to take care of themselves. He is worried about children and families and feels that families are in danger due to encounters with some of the homeless. He feels that downtown businesses are being hurt by the homeless individuals. He asked what the City is going to do to take care of this problem.
- Ron Michaux – Resides at 218 Laurel Hills Drive, Morganton, NC – owner of M&R Enterprises – Mr. Michaux advised that he has an office uptown in the basement of the former Burke Pharmacy. He stated that when he got to work today, the first thing he saw was a pair of underwear in front of the door of his business and a blanket next to a No Trespassing sign. He also stated that he had to cut down expensive bushes due to condoms and needles. He provided pictures for the Council. He also had a box with dirt and needles stuck into the dirt, which he showed to the Council. He wanted everyone to see what he sees. He says that this occurs all over the City. He thanked Morganton Public Safety for their response when he calls. He stated he wants everyone to check the grass before you let your children play.

- Joseph King – Resides at 119 Clark Street, Morganton, NC – Mr. King gave each councilmember a prepared packet. He stated that he and his wife, Martha, are concerned about a neighboring house located at 121 Clark Street. They want a final condemnation and demolition of this rotting structure. According to Code Enforcement, the owner has many other properties in the City that are dilapidated. They have sent potential buyers and the owner does not respond. Mr. King stated that the property is vacant, unmaintained, dangerous and disruptive and should be condemned and razed. He stated that he is aware that there is an absence of budgeted dollars to condemn this property. He advised that there might be a problem with the code that limits accountability and limits enforcements ability to enforce. He feels the enforcement team should have more authority. They feel it may be time to look at the code or budget additional monies to demolish dangerous eyesores and sell the land. This could also help with the housing shortage and add new revenues and resources to Morganton.
- Luke Boone – Resides at 503 Pea Ridge Street, Morganton, NC – Mr. Boone thanked the councilmembers for their service. He stated that he was upset about an event that was held on October 29th. He was offended by the band using profanity. He wants to be sure that future performers on the Courthouse Square are vetted. He stated the band did not adhere to the noise/amplification ordinances.

III. Pledge of Allegiance to the Flag – Councilmember Jernigan led the Pledge of Allegiance.

IV. Invocation Given by: Rev. Sheldon Miles – Gaston Chapel AME Church

V. Introduction of Council – The Mayor introduced Councilmembers and staff.

VI. Public Advocacy Issues and Strategies

- a. Announcement: Mayor Thompson welcomed the new Development & Design Director Wendy Smith. She started work today, Monday, November 7, 2022.
- b. Announcement: Community Appearance Awards – Cheryl Gratton, Chairman, and James Bagley, Vice-Chairman, of Community Appearance Advisory Commission presented awards to the following:
 - NC School of Science and Mathematics – Accepted by Chad Barrow, Director of Capital Projects & Morganton Facilities Management – Ms. Gratton advised that NCSSM received this award in appreciation for their contribution to the enhanced appearance of the City of Morganton for historic renovations and the Commission is looking forward to future improvements as the campus continues to evolve.

Mr. Barrow thanked the Council and the Commission.

- Sossoman’s Funeral Home and Crematory Center – Accepted by Jimmy and Dottie Kirksey, Paul and Penny Littman and Hannah Lipford – Ms. Gratton advised that Sossoman’s has received this award due to consistent and outstanding beautification efforts to their property on South Sterling located on a gateway corridor to Morganton.

Mr. Kirksey thanked the Commission for the award and thanked Paul and Penny Littman for the work they do.

Gratton thanked the winners for their hard work and contributions.

- c. Announcement: MADE Competition Awards – Presented by Abby Gentry-Nelson, Main Street Coordinator and Paul Gantt, Burke County Public

Schools. Ms. Nelson stated that the MADE competition began in 2018 and that this year was the fifth competition. There were 11 teams with 80 students competing. This event builds partners within our community with industry and schools. She introduced Paul Gantt. He stated that each team was challenged to create a simple product, including creating the system and the process to create the product using an assembly line format. Mr. Gantt and Ms. Nelson thanked everyone and then invited the students to come forward when their school was announced:

- Middle School Awards
 - First Place – Liberty Middle School
 - Second Place – Heritage Middle School
 - Third Place – East Burke Middle School
- High School Awards
 - First Place – Patton High School
 - Second Place – NCSSM-Morganton
 - Third Place – Freedom High School

d. Proclamation: Burke County Nonprofit Day

Mayor Thompson read the proclamation. Abigail Taylor accepted the proclamation on behalf of the Burke County United Way. She thanked the Council for the proclamation. BCUW is a host of the National Giving Tuesday. There are 28 non-profits. The first year, \$50,000 was raised. Last year more than \$100,000 was raised. They are hoping to exceed last year by 10%.

Upon motion by Councilmember Cato, seconded by Councilmember Jernigan, and carried unanimously, the Council affirmed the Mayor's Proclamation announcing Burke County Nonprofit Day – Tuesday, November 29, 2022.

e. Proclamation: Operation Green Light for Veterans

Mayor Thompson read the proclamation. Mr. Johnnie Carswell, Vice Chairman of the Burke County Board of Commissioners, accepted the proclamation. He stated that in NC there are over 600,000 veterans and over 6,000 in Burke County. Mr. Carswell asked all veterans in attendance to stand and be recognized for their service.

Upon motion by Councilmember Hawkins, seconded by Councilmember Cato, and carried unanimously, the Council affirmed the Mayor's Proclamation announcing Operation Green Light for Veterans – Week of November 7 to November 13, 2022.

f. Upcoming events – Mayor Thompson announced the following City of Morganton events:

- Downtown/City Hall

Holiday Farmers' Market in November
Saturday, November 19th from 10:00 a.m. to 2:00 p.m. at 111 North Green Street

Winter Carnival & Memorial Tree Lighting
Saturday, November 19th beginning at 2:30 p.m. at 102 East Union Street – Santa visits, holiday games, sweets, fire & ice tower – FREE Community Event! Memorial Tree Lighting will be at 5:30 p.m.

Carriage Rides Begin Saturday, November 19th and will continue every Friday and Saturday until December 23rd. Rides will continue on

Friday, November 25th and Saturday, November 26th from 5:30 to 9:00 p.m.

Downtown Morganton Christmas Parade
Tuesday, December 6th, 6:00 p.m.

Breakfast with Santa will be held at the Morganton Community House on Saturday, December 3rd at 8:30 a.m. and 10:00 a.m. and Saturday, December 10th at 8:30 a.m. and 10:00 a.m.. *Tickets on sale now at the UPS Store in Downtown Morganton. Tickets are \$8 for adults and \$6 for kids 12 and under.*

Blue Elves Christmas for Morganton Housing Authority Families, Saturday, December 10th, 10 a.m. to 4 p.m., Mountain View Recreation Center.

Art in the Hall: Thomas Thielemann – Mixed Media – He is the AFA Visual Arts Director at Caldwell Community College and Technical Institute where he also teaches. His work combines a variety of disciplines and will be displayed at Morganton City Hall during the months of October and November 2022.

- CoMMA Performing Arts Center
 - Thursday, November 17th at 7:30 p.m. – Sons of Serendip
 - Thursday, December 1st at 7:30 p.m. – World Ballet Series: Nutcracker
 - Monday, December 5th at 7:30 p.m. – Nochebuena: A Christmas Spectacular
- Recreation
 - Tuesday/Wednesday/Thursday, December 6, 7 & 8 – Christmas Cheer at Collett Street Recreation Center

VII. Consideration of Changing City Council Meeting time for December 5, 2022

City Manager Sandy informed City Council that due to CoMMA programming to begin at 7:30 p.m., City Staff recommends that the time of the City Council meeting for December 5, 2022 be changed from 6:00 p.m. to 5:00 p.m.

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and unanimously carried, the City Council approved changing the City Council Meeting time of the December 5, 2022 City Council Meeting from 6:00 p.m. to 5:00 p.m.

VIII. North Carolina Municipal Power Agency Number 1 Update – No update given.

IX. Consent Agenda – City Manager Sandy presented the Consent Agenda and asked if any items should be removed. No request was made.

Upon motion by Councilmember McSwain, seconded by Councilmember Hawkins, and unanimously carried, the Consent Agenda was approved and each individual item adopted as stated, those being as follows:

- A. Approved minutes as submitted for a Closed Meeting and a Regular Meeting held on October 3, 2022.
- B. Approved tax releases in the amount of \$402.65.

C. Approved a budget amendment in the amount of \$30,000 for the Electric Department to fund the installation of electric vehicle charging stations for Catawba Meadows Park and Catawba River Soccer Complex.

D. Approved amendments to the Schedule of Fees and Charges to establish new Fire Inspection Violation fees effective November 8, 2022.

E. Approved amendments to the Longevity (6.11) to expand the longevity program by adding a new tier beginning this year, 2022, for employees with 2 ½ years of service to receive 1.5% lump sum payment; Probationary Period (1.4) to reduce probationary period to six months; and Sick Leave (6.18) to allow transfer of sick leave from other local governments after successfully completing probationary period of the City's Personnel Policy to existing Personnel Policy.

F. Approved utility construction agreement (B-5869) with NC Department of Transportation for estimated costs of \$217,829.00 to relocate water lines associated with the replacement of Bridge 99 on US 64/US 70 (Fleming Drive) over Southern Railroad.

G. Approved an agreement with Norfolk Southern Railway Company to relocate an existing 12-inch DIP water pipeline from NCDOT Bridge 99 located on US 64/70 (Fleming Drive) to the Railway Right of Way.

H. Awarded contract to connect delivery 7 to existing distribution system to Southeastern Transmission and Distribution for electric work in an amount not to exceed \$67,000 including approval for the Mayor and City Manager to execute all agreements regarding this contract.

I. Awarded a contract not to exceed \$127,000 to Sports Flooring Group for replacing the Mountain View Community Recreation Center floor including approval for the Mayor and City Manager to execute all agreements regarding this contract and to allocate \$80,000 from State grants and \$80,000 from ARPA to fund this project.

X. Items Removed from Consent Agenda – There were no items removed.

XI. New Business

A. Public Hearings

1. Public Hearing and Consideration of an Alternative Design Request Submitted by Western Piedmont Community College for the Construction Trades Building Project

Mayor Thompson called the Public Hearing to order at 6:55 p.m.

City Manager Sandy stated that the applicant has requested to continue the Public Hearing until the January 2023 City Council meeting in order to work on an alternative design that would go back through the zoning process, staff review and then back to Planning and Zoning before coming back to City Council.

Upon motion by Councilmember McSwain, seconded by Councilmember Jernigan, and unanimously carried, the City Council continued the Public Hearing until January 9, 2022.

B. Other Business

1. Consideration of Resolution of Intent to Sell Property at Intersection of East Union Street and White Street

City Manager Sandy advised that the City is the owner of three (3) adjoining vacant tracts of real property, totaling about .50 acre, located at or near the

intersection of East Union and White Street. These are properties formerly owned and controlled by the Morganton Redevelopment Commission. With the concluding of that Commission, this property is now under direct control of the City. The City's property adjoins on two (2) sides another vacant tract owned by Norvell Management, LLC. The best possible future use of these properties would be for joint development of the City and the Norvell tracts.

The City has now received an offer jointly from Norvell Management, LLC and Amicus Partners, PLLC (a developer from Concord, North Carolina) to purchase the City's three (3) tracts, and to then jointly develop the City and Norvell tracts. After negotiation, City staff and both, Norvell Management and Amicus Partners, LLC, have agreed on a purchase price for the City property of ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000). Amicus and Norvell plan and intend to develop, on the City and Norvell tracts, a multiuse building with about 5,000 square feet of commercial/retail space and up to 40 apartment units with parking.

City staff believes that the Amicus and Norvell plan would be an excellent use of this property and would be a major economic development for downtown Morganton. The offer made is a good and fair one, and City staff recommends its approval.

After negotiation, City staff has reached agreement with Amicus and Novell about the terms and conditions of such a purchase. The City proposes to sell this property under the negotiated sale and upset bid process provided in General Statutes 160A-269. Therefore, an initial earnest money deposit of \$5,750 (5% of the sale price) is required.

If City Council wishes to proceed on this matter, it would be necessary to adopt a Resolution of Intent to declare this property surplus, and to indicate intent to sell the property through the upset bid process. The matter would then be advertised in the News Herald to allow ten (10) days for any upset bids, which would not only have to increase the offered price, but offer same or similar conditions in terms of the nature and timing of the development to be made on the property.

Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and unanimously carried, the City Council adopted a Resolution declaring as surplus property certain lands at the intersection of East Union Street and White Street and expressing the intent of the City to sell such lands to Amicus Partners, PLLC, and Norvell Management, LLC for \$115,000.

2. Consideration of Resolution of Intent to Sell Property on East Meeting Street

City Manager Sandy advised that the City owns six (6) adjoining vacant tracts of real property, totaling about 1.70 acres, located in the 400 Block of East Meeting Street between White Street and Church Street. These are parts of the properties which were once held by the Redevelopment Commission, and which have been over the years subject to numerous attempts to market the same for redevelopment. In fact, on at least three (3) different occasions the City has contracted with developers for the sale of these properties, but all sales have fallen through due to the inability of the developers to obtain the necessary financing and/or tax credits.

Now, the City has received an offer from Green Street Land Co., LLC of Concord, North Carolina to purchase these properties for FOUR HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$425,000), upon certain terms and conditions. Green Street plans to develop market rate residential housing on the property in the form of townhouses and rental apartments, totaling as many as 70 units.

City staff strongly believes that Green Street's offer is a good and fair one and that if the project comes to fruition it would be the best use of the property, would be an important economic development in the downtown area, and would greatly enhance that portion of the City.

After negotiation, City staff has reached agreement with Green Street about the terms and conditions of such a purchase. These include building at least a minimum number of apartments and townhouses, with construction to begin within six (6) months after closing on the sale. The City proposes to sell this property under the negotiated sale and upset bid Process provided in General Statutes 160A-269. Therefore, an initial earnest money deposit of \$21,250 (5% of the sale price) is required.

If City Council wishes to proceed on this matter, it would be necessary to adopt a Resolution to declare this property surplus, and to indicate intent to sell the property through the upset bid process. The matter would then be advertised in the News Herald to allow ten (10) days for any upset bids, which would not only have to increase the offered price, but offer same or similar conditions in terms of the nature and timing of the development to be made on the property.

Upon motion by Councilmember Hawkins, seconded by Councilmember McSwain, and unanimously carried, the City Council adopted a Resolution declaring as surplus property certain lands on East Meeting Street and expressing the intent of the City to sell such lands to Green Street Land Co., LLC for \$425,000.

3. Consideration of Amendments to Ordinance Regarding the Community Appearance Advisory Commission

City Attorney Vinay stated that the Community Appearance Advisory Commission is established by Part 2, Chapter D, Article 7 of the Code of Ordinances, and has long been active in advising City Council and City Staff on various needs, issues and concerns about the physical appearance and appeal of Morganton.

The Commission, and those staff members assigned to assist it, have observed several aspects of the current ordinance, which they recommend changing to improve the Commission's performance and efficiency. In particular, staff requests that the Mayor be given more flexibility in the number of appointments to be made, and that at least two members have relevant professional training or experience. In addition, the Ordinance would formally provide that the City Manager or designee would staff the Commission as secretary, and be an ex-officio member. The Commission would also be directed to submit timely annual requests to the Finance Director for any items they wish to include in the proposed City Budget.

Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and unanimously carried, the City Council approved amending Sections 2-7301, -7032, -7034 and -7035 of the City's Code of Ordinances to amend the numbers and terms of membership, certain organizational provisions and the annual report and budget requirements of the Community Appearance Advisory Commission.

4. Consideration of Award of Entitlement Funds to Non-Profits for FY 2022

Lisa Helton, CDBG, advised that the FY 2022 Action Plan that CDBG funds in the amount of \$29,193 would be used to provide assistance to non-profits that meet the goals and requirements of the CDBG program. Applications were received on October 17, 2022 and the CDBG Committee reviewed these applications based on specific requirements set forth by the CDBG program.

The CDBG committee recommends to the Council that the following non-profits be awarded entitlement funds:

*Special Note: The total amount of funds requested from the three non-profits below is \$26,226. This leaves \$2,967 remaining in CDBG funds that needs to be spent for FY 2022. The CDBG Committee recommends giving the three non-profits an extra \$989 each in addition to their initial request.

1. *The Outreach Center* – Initial Request \$16,126
Recommendation - \$17,115

The Outreach Center requested CDBG funds to be used for the Food Distribution and Community Food Bank Program. They will purchase needed equipment and supplies of the Food Distribution Program, which will remain outdoors from now on. The CDBG Committee recommends awarding The Outreach Center \$17,115.

2. *The House of Refuge* – Request \$5,000
Recommendation - \$5,989

The House of Refuge requested CDBG funds to be used for operation costs of the shelter and to buy food for the shelter. The CDBG Committee recommends awarding The House of Refuge \$5,989.

3. *Options, Inc.* – Request \$5,100
Recommendation - \$6,089

Options, Inc. requested funds to upgrade and replace worn out appliances in the shelter kitchen. The CDBG Committee recommends awarding Options, Inc. \$6,089.

Upon motion by Councilmember Cato, seconded by Councilmember Hawkins, and unanimously carried, the City Council awarded FY 2022 Entitlement Funds to non-profits as outlined.

5. Consideration of Approval and Acceptance of a Grant Agreement for \$250,000 from Golden LEAF for Bethel Park Stream Restoration Phase 1 and Approve a Budget Amendment

City Manager Sandy stated that the City of Morganton has received a \$250,000 grant. She asked that Council approve a grant agreement and accept \$250,000 from Golden LEAF to be used for Bethel Park Stream Restoration Phase I construction. These funds are only eligible to be spent on construction. Design and engineering will be paid with other funding.

In order to accept this grant and continue moving forward with the Bethel Park improvements, the following is required:

- A. Approval and acceptance of a grant agreement for \$250,000 from Golden LEAF.
- B. Approval of a budget amendment to accept grant funds from Golden LEAF in the amount of \$250,000.

Upon motion by Councilmember McSwain, seconded by Councilmember Cato, and unanimously carried, the City Council approved a grant agreement and accepted \$250,000 from Golden LEAF to be used for stream restoration Phase I construction at Bethel Park.

Upon motion by Councilmember Cato, seconded by Councilmember McSwain, and unanimously carried, the City Council approved a budget amendment to accept grant funds from Golden LEAF for \$250,000.

6. Consideration of Approval and Acceptance of a Grant Agreement for \$500,000 from NC Parks and Recreation Trust Fund (PARTF) for Bethel Park Project and Approve a Budget Amendment

City Manager Sandy stated that the City of Morganton received a grant for \$500,000 for amenities for the Bethel Park project. She asked the Council to approve a grant agreement and accept \$500,000 from PARTF to be used for Bethel Park Improvements and Amenities.

In order to accept this grant and continue moving forward with the Bethel Park improvements, the following is required:

- A. Approval of a grant agreement and acceptance of \$500,000 from PARTF.
- B. Approval of a budget amendment to accept grant funds from PARTF in the amount of \$500,000.

Upon motion by Councilmember McSwain, seconded by Councilmember Jernigan, and unanimously carried, the City Council approved a grant agreement and accepted \$500,000 from PARTF to be used for park improvements and amenities at Bethel Park.

Upon motion by Councilmember Hawkins, seconded by Councilmember Cato, and unanimously carried, the City Council approved a budget amendment to accept grant funds from PARTF in the amount of \$500,000.

7. 30-Day Notice Boards and Commissions

- a. BDI – The City Manger stated that the term for the Mayor’s Appointee, Chris Hawkins would be expiring in December.
- b. Fireman’s Relief Fund Board - The City Manager stated that terms for Council appointee Mark Bradshaw and Public Safety appointee David Ferber will expire in January 2023. These members have been excellent participants on the board and have expressed interest in continuing to serve as members of the Board.

Appointments/reappointments will be made at the December 5, 2022 meeting.

XII. Other Items from City Manager and City Council Not on Agenda

A. Consideration of a Contract with the Western Piedmont Council of Governments (WPCOG) to Administer a Building Reuse Grant and Associated Budget Amendment for Project Vette

City Manager Sandy stated that in September 2022, the Council approved a resolution allowing the Staff to apply for a Building Reuse Grant for Project Vette, an economic development project for a local manufacturer. The \$200,000 grant has been approved. The WPCOG will be administering the grant. Burke County and the City of Morganton will share in the administrative costs of \$10,000.

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and unanimously carried, the City Council approved a Building Reuse Grant agreement with the NC Department of Commerce for Project Vette.

Upon motion by Councilmember Hawkins, seconded by Councilmember Jernigan, and unanimously carried, the City Council approved a contract with the WPCOG to administer a Building Reuse Grant for Project Vette.

Upon motion by Councilmember Jernigan, seconded by Councilmember Hawkins, and unanimously carried, the City Council approved the budget ordinance/amendment for \$200,000 in grant funds and \$10,000 in administration costs.

XIII. Reports – No reports given.

XIV. Adjournment – The Mayor adjourned the meeting at 7:15 p.m.

Preparation of Minutes. These minutes were prepared by Renee C. Carswell, City Clerk. Copies of all resolutions, ordinances and orders referenced in these minutes are intended to be incorporated into these minutes as if fully set forth herein. Prior to including them into the official minute book, the minutes have been read and approved by the City Manager and the City Attorney, then distributed to each member of the City Council for further review and final approval, at a subsequent Council Meeting.

Ronnie Thompson, Mayor

Renee Carswell, City Clerk